

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

This is a prisoner civil rights action. Plaintiff has failed to submit an application to proceed *in forma pauperis* or submit the filing fee. See 28 U.S.C. § 1915(a)(1)-(2); Local Rules of Special Proceedings 1-1, 1-2.

Plaintiff is incarcerated at Ely State Prison (“ESP”) and has sued Warden E.K. McDaniel. Plaintiff’s complaint is difficult to decipher, but he appears to allege that he has suffered torture while at ESP. The court notes that plaintiff’s allegations in this action directly relate to his claims in 3:10-cv-00217-RCJ-RAM, in which his complaint was dismissed with leave to file an amended complaint (*see* docket #15).

Accordingly, notwithstanding plaintiff's failure to file an application to proceed *in forma pauperis*, this action is dismissed as duplicative. If plaintiff files an amended complaint in 3:10-cv-00217-RCJ-RAM, he must include all of his claims related to the alleged torture. Plaintiff is cautioned that any further separate actions he attempts to file alleging any related claims will be dismissed.

IT IS THEREFORE ORDERED that the Clerk of Court shall detach and **FILE** the complaint (docket #1-1).

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

2 **IT IS FURTHER ORDERED** that the Clerk of Court shall file a copy of this order in
3 GAMBOA V. McDANIEL, 3:10-cv-00217-RCJ-RAM.

4 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
5 case.

DATED this 24th day of November, 2010.

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**